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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

YURIDIA CHAVEZ-HERRERA,

Plaintiffs,

V.

SHAMROCK FOODS COMPANY, an Arizona foreign corporation; JOSE PAZ; DOES II through X; and ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:19-cv-01327-GMN-BNW

**JOINT MOTION TO VACATE
SETTLEMENT CONFERENCE AND
PERMIT THE PARTIES TO PURSUE
PRIVATE MEDIATION**

Plaintiff Yuridia Chavez-Herrera (“Plaintiff”) together with Defendants Shamrock Foods Company (“Shamrock”) and Jose Paz (“Mr. Paz”) (collectively, the “Parties”) hereby jointly and respectfully move the Court for an order vacating the Settlement Conference that has been scheduled with the Magistrate Judge for October 18, 2023, and permitting the parties to pursue private mediation as an alternative.

Defendants filed a motion for partial summary judgment on September 5, 2023. ECF No. 120. On September 7, 2023, the Court issued its minute order referring this case to the assigned Magistrate Judge for a settlement conference pursuant to LR 16-5. ECF No. 122. On September

12, 2023, the Magistrate Judge issued an order for the Parties to participate in a Settlement Conference on October 18, 2023.

The Parties to this case had previously discussed and were in the process of scheduling a private mediation, and have now scheduled a mediation with Hon. Judge Jackie Glass (ret.) to occur on November 8, 2023. The Parties jointly believe that the private mediation setting will afford the best opportunity to resolve their dispute at this stage of the case. The Parties therefore respectfully request that the Court permit the Parties to pursue that alternative dispute resolution method as an alternative to the judicial settlement conference.¹

Additionally, the Parties note that the present date set for the Settlement Conference coincides with a long-scheduled vacation for Defendants' lead trial counsel Doug Northup during the week of October 14. Mr. Northup will be a necessary participant at any conference or mediation.

The Parties are grateful for the Court's and the Magistrate Judge's efforts to assist them in resolving this matter. The Parties represent that this request is made in good faith and not for purposes of delay. Based on the foregoing, the Parties respectfully request the issuance of an order:

1. Vacating the Magistrate Judge Settlement Conference currently scheduled for October 18, 2023, as well as the other dates set forth in the Magistrate Judge's September 12, 2023 *Order Setting Settlement Conference* (ECF No. 123);
2. Permitting the Parties to pursue private mediation as an alternative to a judicial settlement conference;
3. Directing the Parties to provide an update on the status of scheduling private mediation within five (5) court days of the date of issuance of the order; and
4. Confirming that the order does not result in any stay or tolling and that all other case deadlines remain in effect.

¹ See LR 16-5: "The court may set any appropriate civil case for settlement conference or other alternative method of dispute resolution . . ." (emphasis added)

1 Respectfully submitted,

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3 Dated: September 15, 2023.

4 **FENNEMORE CRAIG, P.C.**

5 By: /s/ Wade Beavers

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9 *Attorneys for Defendants*

Dated: September 15, 2023.

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By: /s/ Brian Blankenship

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Attorneys for Plaintiff

15 **IT IS SO ORDERED**

16 **DATED:** 10:56 am, September 18, 2023

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19 **BRENDA WEKSLER**
20 **UNITED STATES MAGISTRATE JUDGE**

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of Fennemore Craig, P.C., and that on this date, I served, or caused to be served, a true and correct copy of the foregoing **JOINT MOTION TO VACATE SETTLEMENT CONFERENCE AND PERMIT THE PARTIES TO PURSUE PRIVATE MEDIATION** via electronic filing through the Court's CM/ECF system to the attorneys associated with this case:

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Dated: September 15, 2023

/s/ Madelaine Shek
Employee of Fennemore Craig, P.C.